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United States Department of the Interior
BUREAU OF LAND MANAGEMENT
White River Field Office
220 East Market Street,
Meeker, Colorado 81641



DECISION RECORD
For the
2010 PICEANCE-EAST DOUGLAS HERD MANAGEMENT AREA
WILD HORSE GATHER PLAN AND SELECTIVE REMOVAL
DOI-BLM-CO-110-2010-0089-EA
September 10, 2010

INTRODUCTION

The White River Field Office (WRFO) is proposing to gather about 318 wild horses, and remove approximately 183 excess wild horses from within and outside the PEDHMA beginning on/after October 11, 2010. In addition, to comply with 43 CFR 4710.4, all wild horses located outside the boundaries of the PEDHMA, approximately 138 head, will be gathered and removed unless during the selection process it is determined that a specific wild horses could be returned to the PEDHMA.

Of the 135 wild horses returned to the PEDHMA, approximately 10% will be yearlings or approximately 13 head (7 studs and 6 mares). Of the remaining 122 wild horses returned to the PEDHMA, approximately 60% (72) would be studs and 40% (50) mares. BLM would treat all released mares, older than 2 years of age, with PZP. Wild horse selection for release would be to maintain a diverse age structure, herd characteristics and body type (conformation).

The proposed gather necessary to achieve and maintain the Appropriate Management Level (AML) for the PEDHMA, reduce (slow) population growth rates, collect additional information on the herd's characteristics and determine the herd's health.

The BLM has reviewed the information currently available and has determined that excess wild horses are present and require immediate removal, consistent with the authority provided in Section 1333 (b) (2) of the Wild Free-Roaming Horses and Burros Act (WFRHBA) of 1971, as amended and to comply with 43 CFR 4710.4. The BLM's determination of excess wild horses is documented in the 2002 Piceance-East Douglas Wild Horse Herd Management Area Gather Plan (CO-WRFO-02-49-EA). The current EA analyzes the potential environmental impacts associated with the proposed gather (Alternative A), Alternative B, and a No Action (Alternative C).

The WRFO established AML for the PEDMHA as a range of 135 to 235 head of wild horses in 2002. Implementation of the proposed action will return wild horse population size within the PEDHMA to the lower limit of AML. Post-gather, approximately 135 wild horses will remain on the range. The proposed action is in conformance with the WRFO Resource Management Plan (RMP).

AUTHORITIES

The proposed gather and removal of excess wild horses within and immediately adjacent to the PEDHMA is in compliance with Public Law 92-125, the WFRHBA as amended by the Federal Land Policy and Management Act (FLPMA); and Public Law 95-514, the Public Rangelands Improvement Act of 1978 (PRIA). P.L. 92-125, as amended, which require the BLM to protect, manage and control wild horse (or burro) populations on public lands.

DECISION

Based upon my review of the analysis in Environmental Assessment, No. DOI-BLM-CO-110-2010-0089-EA, it is my decision to implement the proposed action, Alternative A, with the following modification: The gather operation will be limited to the removal of all the wild horses (about 138 animals) permanently residing outside the PEDHMA in areas not designated for their long-term use and consistent with the authority provided in 43 CFR 4710.1 and 43 CFR 4720.1.

It is also my decision to delay removal of excess wild horses from within the PEDHMA until further analysis can be completed. Accordingly:

- 1.) No wild horses will be removed from within the PEDHMA at this time.
- 2) Unless an emergency situation should develop (IM 2009-085), no wild horses within the PEDHMA will be gathered, removed or released, and there would be no active management to maintain a diverse age structure, herd characteristics, and body type (conformation) or to treat mares with fertility control, until further analysis can be completed.
- 3.) In the interim, wild horse population size will remain above the upper limit of the AML range.

This decision is in conformance with and will partially implement the planning decisions as documented in the White River Record of Decision and Approved Resource Management Plan (WRRMP) dated July 1, 1997.

ALTERNATIVES CONSIDERED BUT NOT SELECTED

In addition to the selected alternative, the EA evaluated and analyzed two other alternatives:

- 1. Alternative B – Gather and Removal of Excess Wild Horses Only:** This alternative mirrors the Proposed Action with the exceptions WRFO would not treat selected mares with the immunocontraception (fertility) drugs and would maintain an approximate 50/50 sex ratio. While this alternative meets the purpose to bring achieve and maintain the AML for the PEDHMA and collects additional information on the herd's characteristics and herd health. The alternative does not provide any means to reduce (slow) population growth rates. While the Alternative A has not been proven to reduce (slow) population growth rates they are the only current tools available to the BLM to achieve this goal.
- 2. Alternative C No - Action Alternative Defer gather and removal:** Under this alternative, a gather would not be conducted at this time and wild horse population size would continue to exceed the appropriate management level. The alternative would be contrary to the WFRHBA which requires the BLM to immediately remove excess wild horses upon a

determination that they exist. A thriving natural ecological balance and multiple use relationship on public lands within and outside the PEDHMA would not be achieved.

Four additional alternatives were identified by the BLM or by the public but were eliminated from detailed analysis (refer to the EA, page 16).

RATIONALE

The finding to select Alternative A is based on the following rationale:

1. This decision is based on a Finding of No Significant Impact (FONSI) dated, September 10, 2010.
2. This decision is in conformance with the White River Record of Decision and Approved Resource Management Plan (WRRMP) dated July 1, 1997 which states *Wild Horse Management*, "Manage for a wild horse herd within the Piceance-East Douglas Herd Management Area so that a thriving ecological balance is maintained for all plant and animal species on that range." The wild horses permanently residing outside of the PEDHMA are in areas not designated for their long-term use and a thriving natural ecological balance cannot be maintained with other resource use allocations. Therefore, the wild horses outside the PEDHMA are determined to be defined as excess and must be removed as per 43 CFR 4720.1.
3. This decision is in accordance with policy and complies with 43 CFR 4710.1 which states: "Management activities affecting wild horses and burros, including the establishment of herd management areas, shall be in accordance with approved land use plans prepared pursuant to part 1600 of this title." The 1997 WRRMP is the most recent approved land use plan and delineates the boundaries of the PEDHMA as shown in this EA. Furthermore, 4710.3-1 states that: "Herd management areas shall be established for the maintenance of wild horse and burro herds." The PEDHMA was established as a herd management area in the 1997 WRRMP as well as previous Land Use Plans (LUP). By virtue of decisions made in the 1997 WRRMP, all wild horses located outside of the PEDHMA are excess and must be immediately removed per 43 CFR 4720.1, which states: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately . . .". The horses residing outside the PEDHMA boundary are in areas not designated for their long-term use.

Based on this determination, it is my decision to implement a gather to remove the excess wild horses from outside the PEDHMA on/after October 11th. The gather is needed to comply with 43 CFR 4710.1 and 43 CFR 4720.1.

My determination is based on the careful review of the 2010 wild horse inventory results, the analysis contained in the EA, together with all the current available resource monitoring information for the PEDHMA. This information included the 138 wild horses residing outside the PEDHMA boundary in areas not designated for their long-term use.

CONSULTATION AND COORDINATION

Consultation with the Tribes has occurred and none of the tribes have identified any Traditional Cultural Properties or issues of cultural concern in the gather area.

Coordination with State and Federal wildlife agencies was conducted throughout this process regarding potential threatened and endangered species and special status species. No formal consultation was required or conducted with the US Fish and Wildlife Service as the known threatened or endangered populations would not be impacted by gather operations within the WDHA.

PUBLIC INVOLVEMENT

The BLM published the preliminary environmental assessment for the Piceance-East Douglas Herd Management Area Wild Horse Gather Plan on July 28, 2010 by posting the document on the BLM web site at http://www.blm.gov/co/st/en/fo/wrfo/wrfo_wild_horses.html. The BLM sent letters to approximately 108 individuals and groups announcing the availability of the document. The web site and letters invited the public to submit public comments on the EA until August 27, 2010.

The BLM received approximately 2275 public comments in the form of individual letters, form letters, telephone calls, and emails from the interested public. In response to comments received the BLM made some minor changes in the final EA. For additional information refer to Appendix G.

The BLM will provide the public with the opportunity to observe the gather of wild horses outside the PEDHA and those gather operations as they occur, and to observe horses in temporary holding at the BLM wild horse facilities. A schedule will be prepared and posted at <http://www.blm.gov/co/st/en/fo/wrfo.html> that will outline specific viewing opportunities.

ADMINISTRATIVE PROCEDURES

This decision is subject to appeal. If you wish to appeal this decision, as provided by 43 CFR 4770.3 and 43 CFR 4.4, you must file an appeal in writing within 30 days receipt of this decision with the Field Manager, White River Field Office, 220 East Market Street, Meeker, Colorado 81641.

The appeal must state clearly and concisely why you think the decision is in error.

Should you wish to file a petition for stay, the appellant shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If you decide to submit a petition for stay of the decision, a copy of the notice of appeal and petition for stay must be served simultaneously upon the parties identified below.

Field Manager
White River Field Office
220 East Market Street
Meeker, Colorado 81641

Office of the Regional Solicitor
Rocky Mountain Region
755 Parfet Street, Suite 151
Lakewood, Colorado 80215

Office of Hearing and Appeals
Interior Board of Land Appeals
801 North Quincy Street, Suite 300
Arlington, Virginia 22203

The Office of Hearing and Appeals regulation do not provide for electronic filing of appeals; therefore, they will not be accepted.

APPROVAL

The Piceance-East Douglas Herd Management Area Wild Horse Gather Plan, as modified, is approved for implementation beginning on/after October 11, 2010. Implementation of the gather to remove excess wild horses outside PEDHMA on/after this date is in accordance with the authority provided in Title 43CFR 4770.3(c), which states in part: "decisions...shall be effective upon issuance or on a date established in the decision" when removal of excess animals is necessary to ensure and maintain a thriving natural ecological balance and multiple-use relationship and compliance with land use planning decisions.



Kent E. Walter
Field Manager



Date: